

## Whose Hospital Records?

From time to time a ruling is issued by a responsible state official which causes raised eyebrows and a reiteration of the old question: Whose country is this, anyway?

Latest example is the recent ruling by the office of the Attorney General of the State of California to the effect that authorized representatives of the State Department of Public Health may examine the records of individual patients in hospitals. The ruling is based upon an interpretation of existing sections of state laws which give the Director of Public Health and his representatives the right to enforce sections of law which require hospitals to maintain records sufficient to make out death certificates.

In another of the many statutes, the details of a proper death certificate are listed, including such routine items as age, race, name, color, date and place of death, occupation and the like. Nowhere is there any requirement that the death certificate contain any information on nursing notes, orders for medication, diagnosis, prognosis or the other incidentals to proper medical treatment of the patient.

On page 155 of this issue will be found the legal opinion of the California Medical Association's general counsel on this subject. All members, and particularly those whose activities may include the

operation of hospitals or vigilance over patients in hospitals, are urged to study this opinion.

The law is inflexible, or so we have been led to believe. However, interpretation of the law is certainly not confined to any one school of thought, whether such interpretation come to us through the courts or through departmental regulation with or without the backing of a state attorney general's opinion. Counsel for the Association believes the Attorney General's opinion to be in error.

The California Medical Association relies on advice received from its duly appointed legal counsel, and over more than three decades such advice has proven reliable. In the present instance, we see no reason for deviating from this policy. Certainly there is no desire on the part of either physician or patient that state officials be permitted to enter into fishing expeditions into private records. Certainly the sanctity of private records, which contain all information required by law and go beyond that to other matters of personal and professional—but not public—interest, is something to be maintained at all costs.

We believe the Attorney General should review this opinion in the light of private interests as well as public policy. The latter is acknowledged but the former is the more cherished by all concerned, law enforcement officers included.

